

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: Robert Franklin Travis Jr) Case Number: 20-11614
Debtor.) Chapter 13 Proceedings
) Judge Arthur I. Harris

TRUSTEE'S MOTION TO DISMISS CASE FOR LACK OF FEASIBILITY

Now comes Lauren A. Helbling, the duly appointed and qualified Standing Chapter 13 Trustee (“Trustee”) herein, and hereby moves this Honorable Court to dismiss the case of the Debtor pursuant to Section 1322(d) of the Bankruptcy Code. In support of this motion, the Trustee makes the following representations to the Court:

1. The Debtor filed a petition under Chapter 13 of Title 11, U.S.C. on March 20, 2020. The Order Confirming Chapter 13 Plan (“Plan”) was entered by this Honorable Court on July 13, 2020.
2. On September 1, 2022, this case was dismissed for lack of feasibility and failure to fund. The dismissal of this case caused the Amended Chapter 13 Plan (the “Amended Plan”) filed on June 9, 2022 to be rendered moot.
3. On October 20, 2022, the Order Granting Debtor’s Motion to Reinstate Case was entered by the Court. Since the case was reinstated and there is still a feasibility issue, the Trustee needed to inquire with Debtor’s counsel if the Amended Plan would be reset for a hearing before the Court. On November 18, 2022, Trustee sent electronic correspondence to Debtor’s counsel inquiring about the Debtor’s intentions. The Trustee did not receive a response.
4. On November 28, 2022, Trustee once again sent electronic correspondence to Debtor’s counsel inquiring about the Debtor’s intentions relating to feasibility. The Trustee did not receive a response.
5. On December 20, 2022, Trustee sent final correspondence to Debtor’s counsel inquiring about the outstanding feasibility issue and the Debtor’s intentions. The correspondence stated that if nothing was filed within ten days of the email, a motion to dismiss case would be filed. Debtor’s counsel responded and said he would review the matter. Upon review of the Court’s docket, that Debtor has not taken the steps necessary to cure the feasibility issue in this case.
6. The confirmed plan is not feasible because it will not be completed within the sixty month maximum period allowed under 11 U.S.C. Section 1322(d). Furthermore, as stated in 11 USC § 1307, the Bankruptcy Code provides that a case may be dismissed for “cause.” While “cause” is not specifically defined, the Trustee believes that the failure of the Debtors to take steps to complete the Plan within a sixty (60) month period constitutes sufficient cause to dismiss the Chapter 13 case.

WHEREFORE your Trustee, being a proper party in interest, hereby moves this Honorable Court for an Order dismissing this case for cause, pursuant to 11 USC § 1307(c) of the Bankruptcy Code.

/S/ Lauren A. Helbling
LAUREN A. HELBLING (#0038934)
Chapter 13 Trustee
200 Public Square, Suite 3860
Cleveland OH 44114-2321
Phone (216) 621-4268 Fax (216) 621-4806
ch13trustee@ch13cleve.com

CERTIFICATE OF SERVICE

I certify that on January 3, 2023 a true and correct copy of this Trustee's Motion to Dismiss Case was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

William J Balena, on behalf of Robert Franklin Travis Jr, Debtor, at docket@ohbksource.com

And by regular U.S. mail, postage prepaid, on:

Robert Franklin Travis Jr, Debtor, at 1130 Hunting Hollow, Grafton, OH 44044

/S/ Lauren A. Helbling

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1. The Debtor filed a petition under Chapter 13 of Title 11, U.S.C. on 3/20/2020 00:00:00. The Order Confirming Chapter 13 Plan (“Plan”) was entered by this Honorable Court on July 13, 2020 .
2. On September 1, 2022, this case was dismissed for lack of feasibility and failure to fund. The dismissal of this case caused an Amended Chapter 13 Plan (the “Amended Plan”) filed on June 9, 2022 to be rendered moot.
3. On October 20, 2022, the Order Granting Debtor’s Motion to Reinstate Case was entered by the Court. Since the case was reinstated and there is still a feasibility issue, the Trustee needed to inquire with Debtor’s counsel if the Amended Plan would be reset for a hearing before the Court. On November 18, 2022, Trustee sent electronic correspondence to Debtor’s counsel inquiring about the Debtor’s intentions. The Trustee did not receive a response.
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6. The confirmed plan is not feasible because it will not be completed within the sixty month maximum period allowed under 11 U.S.C. Section 1322(d). Furthermore, as stated in 11 USC § 1307, the Bankruptcy Code provides that a case may be dismissed for “cause.” While “cause” is not specifically defined, the Trustee believes that the failure of the Debtors to take steps to complete the Plan within a sixty (60) month period constitutes sufficient cause to dismiss the Chapter 13 case.

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